

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:10CR423
)
v.)
)
WILLIE McINTYRE,) ORDER
)
Defendant.)
)

This matter is before the court on the defendant's motion for copies of the docket sheet, sentencing transcripts, and for in forma paupers status. Filing No. 33. The defendant was sentenced on September 9, 2011. He has not filed an appeal, but indicates in his motion that he will pursue a motion to vacate or set aside his sentence under [28 U.S.C. § 2255](#).

Under [28 U.S.C. § 2250](#), if a petitioner has been permitted to prosecute a petition for a writ of habeas corpus in forma pauperis, "the clerk of any court of the United States shall furnish to the petitioner without cost certified copies of such documents or parts of the record on file in his office as may be required by order of the judge before whom the application is pending." [28 U.S.C. § 2250](#). The statute contemplates the filing of a motion for collateral review of a conviction before free copies of the record are furnished to the moving party. See [*Chapman v. United States*, 55 F.3d 390, 390-91 \(8th Cir. 1995\)](#) (stating that any request for a free transcript prior to the filing of a section 2255 complaint is premature); [*United States v. Herrera-Zaragosa*, 84 Fed. App'x 728, 729 \(8th Cir. 2004\) \(per curiam\) \(unpublished opinion\)](#). Moreover, the statement of reasons is not a public document. Accordingly, the court is not inclined to order copies of documents at

government expense without a pending appeal, § 2255 motion, or some showing of need for the documents.

IT IS ORDERED:

1. The defendant's motion for copies of documents (Filing No. 33) is denied at this time, but may be reasserted after the filing of an appropriate § 2255 motion.
2. The Clerk of Court is directed to mail to the defendant at his last known address the forms and instructions for instituting a proceeding under 28 U.S.C. § 2255 and for requesting leave to proceed in forma pauperis.

DATED this 4th day of November, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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